

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, March 2, 2006

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, March 2, 2006, at 3:00 p.m., at Police Headquarters, 1300 Beaubien, Detroit, Michigan 48226.

ATTENDANCE

Board Members Present

Erminia Ramirez
Jim Holley
Mohamed Okdie
Willie Hampton **(ABS)**
Arthur Blackwell II

Department Personnel Present

DC Chester Logan
Cmdr. Gail Wilson-Turner
Cmdr. Brian Stair
Lt. Dwane Blackman
Lt. Jeffrey Romeo
Lt. Vicki Yost
Sgt. Joanna Ali Johnson
Sgt. Dwight Snodgrass
Sgt. D. Meyers
P.O. Alvin Roberson
Atty. Nancy Ninowski

Board Staff Present

Dante' L. Goss, Executive Director
Lawana Ducker, Personnel Director
Denise R. Hooks, Attorney/Supervising Inv. **(ABS)**
Ainsley Cromwell, Acting Chief Investigator
P.O. Kent Cooper

OTHERS PRESENT

Sandra Hines
Evelyn James
Ron Scott
Media

RECORDERS

Terence Bell
Robert Brown

1. **CALL TO ORDER**

Chairperson Ramirez called the regular meeting of the Detroit Board of Police Commissioners to order at 3:18 p.m.

Chairperson Ramirez acknowledged the presence of Board members and staff.

2. **APPROVAL OF MINUTES**

- Thursday, January 26, 2006
- Thursday, February 2, 2006
- Thursday, February 9, 2006
- Thursday, February 16, 2006
- Thursday, February 23, 2006

MOTION: **Comm. Okdie** made the motion to approve the Minutes.

SECOND: **Comm. Blackwell** seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. **REPORT FROM THE CHAIR**

Chairperson Ramirez stated for the record the Juvenile Justice and Delinquency Prevention Grant was withdrawn.

4. **SECRETARY'S REPORT – EXEC. DIR. GOSS**

CITIZEN COMPLAINTS RECEIVED

	<u>This Week</u>	<u>Year to Date</u>
2006 - Weekly Count of Complaints:	29	219
2005 - Weekly Count of Complaints:	33	183

- The Office of the Chief Investigator (OCI) closed a total of **10** cases this week.
- The Office of the Chief Investigator submitted **2** cases to the Chief's Office.
- The Chief's Office has reviewed and returned **0** cases to OCI.

5. PRESENTATION/REPORT-CHIEF OF POLICE

March 2, 2006

Volume 3, Issue 9

Detroit Police Department

Report to the Board of Police Commissioners

"Building a Safer Detroit Through Community Partnerships"

The Detroit Police Department is committed to uphold its mission to provide a safe environment for our residents and businesses. This effort is not possible without the joint commitment of the community and the Police Department. We appreciate and value the role our citizens have played in helping us to take the guns and drugs off the streets of the city of Detroit.



SPECIAL ENFORCEMENT ACTIONS

Narcotics

On February 23rd, the Narcotics/Gang Enforcement Unit executed a search warrant to a residence in the 2200 block of Electric. The following arrests and confiscations were made as a result of the search warrant.

- One (1) felony arrest for "Possession with Intent to Deliver Cocaine"
- Four (4) misdemeanors arrests for "Entering without Owners Permission"
- One (1) charged with "Loitering in a Place of Illegal Occupation"
- 21.2 grams of cocaine with an estimated street value of \$8,480.00 in U.S. currency.

Traffic Enforcement Unit/ Special Response Team

During the week of February 21st through February 27th, members of the Traffic Enforcement Unit and Special Response Team, participated in a **Incident Response High Crash Intersection Traffic Blitz**, targeting areas with intersections that consistently rate in high car crashes. As an result of the this blitz, the following arrests and citations were issued:

- 396 vehicles investigated
- 415 people investigated
- 659 citations issued
- 5 felony traffic arrests
- 4 drunk driving arrests
- 1 driver license arrest

Special points of interest:

• Next meeting:

Thursday March 9, 2006
@ 6:30 P.M.

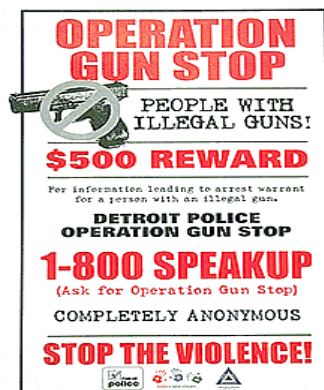
Northeastern District
Belle Isle Casino
Belle Isle Park
Detroit, MI 48213

Inside this issue:

Narcotics/ Gang Enforcement	1
Traffic Enforcement/ Special Response Team	1
Vice Unit	2
Investigative Operations West	2
Central District	2
Western District	2
Southwestern District	2

Gang Enforcement

On February 24th, officers of the Gang Enforcement Unit were on patrol in the area of Sarena and Proctor. Upon initiating a traffic stop of a speeding motorist, the officers were engaged in a brief foot pursuit of the driver who immediately exited the vehicle then fled on foot. During the pursuit, the officers observed the male subject remove a handgun and discard the weapon on the sidewalk. The subject was quickly apprehended thereafter in addition to the weapon being recovered. The subject was arrested without incident for "Carrying a Concealed Weapon on Person without a permit."



March 2, 2006

Police / Community Intervention

Page 1

Northeastern District



On February 26th, officers from the Northeastern District responded to the 4800 block of Van Dyke on a "Shooting." Upon arrival, the officers discovered one (1) adult female fatally injured from a gunshot wound, and one (1) child suffering from gunshot wound to the hand. In the suspect effort to escape the area, the suspect fatally shot another victim during his attempt to carjack the victim. After receiving the identity of the suspect, an intense search was conducted. Later in the search, officers from the Northeastern District received information the suspect was hiding in the rear of a residence in the 7900 block of St. Paul. Officers from the Northeastern District immediately responded to the location and was immediately confronted by the suspect pointing his weapon at the officers while attempting to flee on foot. Moments later, the officers discovered the suspect fatally injured himself with an self-inflicted gunshot wound.

Investigative Operations West

On February 21st, officers from the Investigative Operations West responded to the area of Regular and Rademacher on a shooting of an adult male. While in the area, the officers observed the vehicle wanted in connection to the shooting. Following a brief foot pursuit, the officers apprehended one (1) adult male and recovered the handgun used in the shooting. As a result of the arrest, the subject was charged with "Assault with Intent to Commit Murder."

Central District

On February 19th, officers from the Central District responded to the Cobo Convention Center on a "Larceny from Building" run. An investigation revealed that approximately sixteen (16) cases of beer were missing from the establishment. The case handled by the Central District Investigative Operations resulted to the arrest of one (1) man later identified as an employee of the establishment. The man was later charged with "Embezzlement over \$200.00 and under \$1000.00."

Western District

On February 24th, officers of the Western District responded to the 19000 block of Littlefield on a "Attempted Home Invasion in Progress" run. While on patrol officers observed the vehicle wanted in the Home Invasion and initiated a traffic stop. The investigation revealed that the occupants fit the description of the subjects wanted. Subsequent to the traffic stop two (2) subjects were arrested without incident for the Attempted Home Invasion.



Southwestern District



On February 24th, officers of the Southwestern District responded to the 8100 block of Middlepoint on a "B/E in Progress" run. Due to the officers quick response, officers were able to initiate a traffic stop of a movers van leaving the residence. As a result of this investigation, a large quantity of marijuana and cultivating equipment was confiscated from the van. Two (2) men were arrested without incident for "Possession with Intent to Deliver," a street value of \$37,000.00.

Northwestern District

On February 24th, officers of the Northwestern District responded to the area of Joy Road and St. Mary's on a "Investigate occupied black van" run. While in route to the area, the officers observed a black van and initiated a traffic stop. As a result of the traffic stop, a loaded handgun was confiscated from the driver waistband after his refusal to produce a drivers license. One (1) adult male was arrested and charged with "Carrying a Concealed Weapon without a permit."

6. REQUEST TO RE-APPLY FOR G.R.E.A.T. GRANT

Gang Enforcement has been operating the G.R.E.A.T. Program for approximately 14 years in conjunction with the Bureau of Alcohol, Tobacco and Firearms (ATF). Currently, the Bureau of Justice Assistance (BJA), a component of the Office of Justice Programs (OJP), United States Department of Justice, is administering the program. Lieutenant Vicki Yost of the Gang Enforcement will be the Project Manager. The maximum award amount is \$250,000, with no cash match. The due date for submitting this application is February 2, 2006. I am requesting your permission to re-apply for the G.R.E.A.T. grant.

MOTION: Comm. Blackwell made the motion to approve the Grant.

SECOND: Comm. Okdie seconded the motion.

VOTE: All in attendance voted in the affirmative.

7. REQUEST PERMISSION TO ACCEPT A DONATION OF EXERCISE EQUIPMENT

Ms. Stephanie Bully has offered to donate exercise equipment to the Detroit Department's Special Response Team. The equipment consists of a Pull Down Back Machine & Row Lat's Machine, Leg Press, Smith Machine & Squat Rack, Calf Raise Machine, Hamstring Leg Curl, Thigh and Leg Machine and a Weight Holding Rack with weights. This equipment will be utilized exclusively as law enforcement fitness equipment. There is no cost to the City.

MOTION: Comm. Blackwell made the motion to approve the Donations.

SECOND: Comm. Okdie seconded the motion.

VOTE: All in attendance voted in the affirmative.

8. OTHER BUSINESS

Atty. Ninowski stated that Atty. Walker is here on behalf of Sgt. Elhage of the Lieutenants and Sergeants' Association. She stated that matter was taken over advisement from last week to this week

Atty. Walker stated he sent correspondence to the Board to request that Sgt. Elhage be reinstated to the payroll pending a hearing. A Trial Board was scheduled for September 15, 2005 and was cancelled because there are no Inspectors in the department. That is

simply not the case, because a court order ordered the police department to reinstate the Inspectors to their rank. They haven't been able to set a Trial Board and she has been without pay since the suspension. The only things that apply in this case are the Wayne County Circuit Court Order, DPD Manual, Collective Bargaining Agreement between the DPSLA and the City, and your sense of fairness. She has improved since her suspension. We have been asking for a hearing; the collective bargaining agreement states who should sit on that Trial Board. There is no such thing as a duty status hearing. All you can do is grieve their denial of due process, which we did. On October 27, 2005 the department was required to provide a written response within ten days of that date. Instead we received it 118 days later. That is bad faith. The manual states that alcoholism is a disease. She has not received treatment for her disease prior to the suspension date. She has been to AA meetings, in and out patient care, under a doctor's treatment to address her problem. We are asking for a fast hearing. If you put her back on the payroll, we will get that hearing real soon. He stated he had to file a lawsuit to get this case heard.

Comm. Okdie asked is she receiving treatment now?

Atty. Walker stated yes, sir.

Comm. Okdie asked do you feel this has a negative impact on her?

Atty. Walker stated he keeps stressing for her to be strong, and yes, all of this has had a negative impact on her.

Comm. Okdie asked how she pays for treatment?

Atty. Walker stated she has been able to access her pension to pay for the doctor's treatments.

Comm. Okdie stated she has been willing to do that to take care of this issue?

Atty. Walker stated absolutely.

Atty. Ninowski stated this is a case of first impression. She is not aware of any other case that has been brought to the Board requesting reinstatement under the rules and regulations of the department. There is a contractual remedy, a make whole remedy. The DPSLA have filed a grievance contesting Sgt. Elhage's duty status, and that grievance is currently pending a hearing before an arbitrator. Steps should be exhausted before they ask the Board for reinstatement. There has to be some justification from the DPSLA for you to restore Sgt. Elhage to duty. This is the third time we have come before you concerning Sgt. Elhage, as her previous record indicates.

Chairperson Ramirez asked did you say "other record"?

Atty. Ninowski stated no, she said previous record.

Chairperson Ramirez stated she thought Atty. Ninowski was stating there were no prior disciplines before this one.

Atty. Ninowsk stated she is saying this is not the first time.

Comm. Blackwell asked did you deal with the previous matters the same way?

Atty. Ninowski stated the same way, but different venues. She stated there have been other incidents that Sgt. Elhage has been involved in.

Comm. Blackwell asked were there any disciplinary actions?

Atty. Ninowski stated yes.

Comm. Blackwell asked in what form was it taken?

Atty. Ninowski stated she went to a Trial Board hearing in both of these matters and received a disciplinary penalty, as well as the Employee Assistance Alcohol Program.

Comm. Okdie asked if Employee Assistance consists of drug counselors, therapists that are employed by the police department.

Atty. Ninowski stated is it a drug counseling program that is offered to the officers through the department.

Comm. Okdie asked is it in-house?

Atty. Ninowski stated yes.

Comm. Okdie stated the difference is it's not AA, private physicians and the programs are not outside of the department.

Atty. Ninowski stated she does not know what, is offered to them. She stated it is her understanding that whatever treatment is needed, the department will provide.

Comm. Okdie asked who determines those needs?

Atty. Ninowski stated the department.

Comm. Okdie stated he wanted to make it clear that the prior situation is not the same as this one, as it refers to treatment.

Atty. Ninowski stated yes, sir, you're correct.

Comm. Blackwell asked during the first instance if there was separation from duty.

Atty. Ninowski stated none other than the disciplinary penalty.

Comm. Blackwell asked if during the treatment, there was any separation?

Atty. Ninowski stated no.

Comm. Blackwell asked do you recall the times of the suspensions?

Atty. Ninowski stated no, she doesn't remember.

Comm. Holley asked were they with or without pay?

Atty. Ninowski stated without pay.

Comm. Okdie stated that six months is a long time without pay.

Atty. Ninowski stated yes, it is but the prior times were not over six months. She stated back to the Trial Board, the Chief restructured the department. With that restructure, the rank of Inspectors was eliminated. All Trial Boards in September of 2005 were cancelled until we could reach an agreement with the unions on the composition of the Trial Board. We did that with the DPOA but have not been able to agree with the DPSLA. We made an offer last week to have the Trial Board convened for a limited purpose for Sgt. Elhage, which will consist of the command staff and it was declined by the DPSLA.

Comm. Holley stated he thinks it takes a long time to bring these matters to closure. Do you see any closure to this?

Atty. Ninowski stated that's why we made the offer last week to DPSLA with no precedence setting.

Comm. Holley asked if it was turned down by Atty. Walker or the Union.

Atty. Ninowski stated she believes it was turned down by both.

Comm. Holley asked weren't the DPSLA and Atty. Walker trying to resolve this matter.

Atty. Ninowski stated it seems to be a conflict of interest, because she does not feel they are looking after Sgt. Elhage's needs, but the Union's needs.

Chairperson Ramirez asked what are you asking of this Board?

Atty. Ninowski stated not to reinstate Sgt. Elhage and allow it to go to a grievance hearing before an arbitrator.

Chairperson Ramirez asked when would the hearing take place?

Atty. Ninowski stated if the DPSLA agrees, it can be scheduled in April after speaking with Cmdr. Wilson-Turner.

Comm. Holley asked can this come back after the Trial Board, if requested?

Atty. Ninowski stated yes.

Comm. Holley stated he would like to have a motion to bring this back.

Comm. Okdie asked are we suggesting that she continue without pay until the Trial Board hearing?

Comm. Holley stated the attorneys are saying they are looking at April or May for the hearing.

Atty. Ninowski stated that's if the DPSLA agrees.

Comm. Okdie stated that's assuming they agree.

Comm. Blackwell stated yes.

Comm. Okdie asked can we move to suspend with pay?

Comm. Blackwell stated we are looking for a timely decision. He stated that's why he asked Atty. Ninowski about the priors because he thought it was Sgt. Elhage's first incident. The only issue that he has is from a liability issue, allowing a person to be put back on payroll while a hearing is still pending. He stated he would be willing to wait 30 days to see if the DPSLA would agree to a hearing, if not come back in 30 days and we'll make a decision.

Comm. Okdie asked Comm. Blackwell are you saying 30 days as opposed to 45 days.

Comm. Blackwell stated yes, he asked is there any rule that prohibits it from being sooner than that?

Chairperson Ramirez stated no.

Comm. Blackwell stated if we say 30 days, they need to bring it back within 30 days.

Comm. Okdie stated okay.

Comm. Blackwell stated by the fourth meeting.

Atty. Walker stated he absolutely guarantees that nothing would happen within 30 days. It is not up to the DPSLA to agree on a date. On March 6, 2006, we will go to the Michigan Employment Relation Committee (MERC) and tell them we can't come to an agreement on an arbitrator. We will ask them to pick an arbitrator for a hearing. As to the prior discipline she had one prior incident that that was similar ten or twelve years ago and had 90 days suspension without pay.

Comm. Blackwell asked in ten years, you are saying Sgt. Elhage does not have any incidents?

Atty. Walker stated she may have something relating to speeding and was suspended ten days.

Comm. Blackwell stated she received ten days for speeding?

Atty. Walker stated yes, a suspension for ten days for speeding in a car.

Comm. Blackwell asked was it speeding under the influence of alcohol?

Atty. Walker stated absolutely not. He stated she has never had a physical confrontation, only words. She has never harmed anyone.

Comm. Blackwell stated the Board is talking about the conduct of an officer should be a higher standard than a citizen.

Atty. Walker stated he agrees one hundred percent.

Comm. Blackwell stated and we are talking about someone in a leadership position. He said "even if I don't shoot you, but I say I am going to kill you", that is a direct threat. If you are saying words alone from an officer don't mean anything, that's not necessarily true.

Atty. Walker stated absolutely, that's why she has to accept the discipline for that behavior.

Comm. Blackwell stated you are here today to ask the Board to restore Sgt. Elhage back to the payroll, and you believe by restoring her, this meeting will happen right away.

Atty. Walker stated once she is restored to pay, we will get a Trial Board hearing immediately.

Comm. Blackwell stated the Board is asking with you concurrence, that DPSLA and the department meet within 30 days.

Atty. Walker stated it is up to MERC to set the hearing date.

Comm. Blackwell asked Atty. Ninowski if the Board adopts this motion without his objection to meet within 30 days, are you able to do that?

Atty. Ninowski stated that Cmdr. Wilson-Turner states if the DPSLA consents that the hearing can be scheduled in April.

Atty. Walker stated it is not a matter of the DPSLA'S consent, because we are asking for the hearing.

Comm. Blackwell asked why it can't be done in early April, instead of late April?

Cmdr. Wilson-Turner stated we can schedule a hearing, but DPSLA has to agree to an arbitrator. She stated one of the problems is they are holding Sgt. Elhage hostage to get an extension on their contract.

Comm. Blackwell stated if we put in the motion to meet within 30 days pursuant to the DPSLA. He stated if it is not done by the fourth Thursday he is prepared to comeback and have a second motion.

Comm. Okdie stated that's fine.

Comm. Blackwell made the motion to ask the department with no objection from the DPSLA and that an arbitrator is chosen within 30 days. He stated they will come back to this Board the fourth meeting (28 days) and let us know if anything has happened. If nothing has happened we reserve the right to render a different motion. He stated we can't wait forever to adjudicate these issues.

Atty. Ninowski asked him to explain it, so she can get a better understanding of what the department needs to comply with.

Comm. Blackwell stated what we have heard, with no objection from the DPSLA with the department's concurrence of agreeing on an arbitrator that you can meet.

Atty. Ninowski stated so we can have a hearing in April.

Comm. Okdie stated that's two different things. Atty. Ninowski is saying in April and Comm. Blackwell is saying within 30 days.

Atty. Walker stated it is not up to the department or DPSLA. The arbitrator sets the date for the hearing. And the idea that we are holding Sgt. Elhage hostage is ridiculous. He stated we have done everything to act within the rules, so why won't the police department act within the rules.

Atty. Ninowski stated Atty. Walker and DPSLA have used Sgt. Elhage to help negotiate a new contract. They don't get a new contract and they come before this Board with unclean hands and ask you to reverse a decision.

Comm. Blackwell asked Atty. Ninowski does she agree that an arbitrator will be selected?

Atty. Ninowski stated yes, within seven days of Atty. Walker's petition.

Comm. Blackwell asked, by April 13 you will have an arbitrator?

Atty. Ninowski stated that's correct.

Comm. Blackwell asked when will the arbitrator hold the hearing?

Atty. Walker stated whenever that person schedules it.

Comm. Blackwell asked is MERC compelled to schedule within two weeks or a month?

Atty. Walker stated it is up to them; they have no timeframe.

Comm. Holley asked MERC part of the police department?

Atty. Walker stated no, they are the state agent.

Comm. Blackwell states he is not sympathizing with any of the information that is before this Board. What he does sympathize with, is that Sgt Elhage has a right to know the outcome in a timely manner.

Atty. Ninowski stated that's why the department made the offer to convene the Trial Board.

Atty. Walker stated the department constantly acts like the court order doesn't exist.

Comm. Blackwell stated the Commissioners' position is they do not want any delay whatever the reasons are. Subsequently, for the Board, if we do not hear anything, then we have the ability to say that MERC is taking too long. Maybe we will put her back on payroll for a month or two. That has nothing to do with the department's decision to bring this action. It's the issue of how long it takes that concerns the Board.

MOTION: **Comm. Blackwell** made the motion to wait for thirty (30) days, and after thirty (30) days, bring the status back to the Board.

SECOND: **Comm. Okdie** seconded the motion.

VOTE: All in attendance voted in the affirmative.

Atty. Walker asked what date is that?

Comm. Blackwell stated by April 6, 2006.

9. ANNOUNCEMENT OF NEXT MEETING

Thursday, March 9, 2006 @ 6:30 p.m.
Northeastern District
Belle Isle Casino
Belle Isle Park
Detroit, MI 48213

10. ORAL COMMUNICATION FROM THE AUDIENCE

R. Scott asked the Board to find out what disciplinary action has taken place on the matters of force, and to see if that can be put on a fast track?

Comm. Blackwell asked are you talking about cases from the prosecutors' office with no charges, but with internal affairs' investigations?

R. Scott stated yes.

E. James stated her car was stolen and the DPD never had her vehicle shown as stolen. She now has a bill of \$900 from the towing company. She stated she has a report and a case number.

Comm. Blackwell stated the car is at the impound yard. He stated he can't understand a car being recovered the same day and not put into the system.

DC Logan stated he needs to look into this case, but they do put it in the system the day it is recovered.

Comm. Holley asked who notified you?

E. James stated the towing company, stating her car has been abandoned.

S. Hines stated she has been noticing in her community (Schoolcraft between Wyoming and Schaffer) there is a line of prostitutes. She asked is there something that can be done about getting them some help?

DC Logan stated he will forward this information to the Western and the Northwestern District.

R. Scott stated the Board needs to look into the towing issue in the City.

ACI Cromwell stated for the record, Ms. James filed her report with the Wayne County Sheriff's Department, but we will still assist her with this matter.

Chairperson Ramirez to the Board what a wonderful job Acting Chief Investigator Cromwell has done.

11. ADJOURNMENT

The meeting was adjourned at 4:10 p.m.

Respectfully submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/rb